

Serial No.: 10/728,454
Examiner: Lisa Hashem

REMARKS/ARGUMENTS

Claims 1-37 remain in this application with claims, with claims 1, 20 and 32 being independent claims. No claims have been canceled. Claims 1, 2, 14, 21 and 23 have been amended.

Regarding the 37 CFR 1.126 objections:

In the office action, claims 14, 21 and 23 were objected to for having dependency problems. Applicants have amended these claims to have proper dependency. Applicants respectfully assert that these claims as now presented overcome this objection and requests that these objection be withdrawn.

Regarding the 35 USC 112 rejection:

In the office action, claims 1 and 14 were rejected under 35 USC section 112, second paragraph, as being indefinite for having elements that have "insufficient antecedent basis for" the limitation in the claim. Applicants have amended claims 1 and 14 to further clarify the subject matter. Applicants respectfully assert that claims 1 and 14 as now presented overcome this rejection and request that this rejection be withdrawn.

Regarding the 35 USC 102 rejection:

In the office action, independent claims 1 and 20 were rejected under 35 USC 102(e) as being anticipated by Fangman et al. (US Patent No. 6,687,245). Applicants respectfully assert that claim 1 as now presented and claim 20 as originally presented are not anticipated by Fangman. In support of this rejection, the Examiner sets forth that a "DHCP discover message" is the same as a "Voice-over-IP device identification message" as presently claimed in claims 1 and 20. Applicants respectfully assert that these two are not the same. In Dynamic Host Configuration Protocol (DHCP), the identification message is independent of the type of the device coupled to the node, rather, as is well know, DHCP identification is dependent upon the MAC address of the device. As such, Applicants assert that each and every element of the present invention as set forth in claims 1 and 20 is not anticipated, disclosed, taught or rendered

134122

Page 8

Serial No.: 10/728,454
Examiner: Lisa Hashem

obvious by Fangman or any of the cited reference, whether taken alone or in any reasonable combination, and respectfully request that this rejection be withdrawn.

Regarding claims 2-6, 9 and 11-19, as these claims depend either directly or indirectly from independent claim 1, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to claim 1, Applicants respectfully assert that these claims are also patentable over the cited reference.

Regarding claims 21, 22, 24, 30 and 37, as these claims depend either directly or indirectly from independent claim 20, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to claim 20, Applicants respectfully assert that these claims are also patentable over the cited reference.

In the office action, independent claim 32 was rejected under 35 USC 102(e) as being anticipated by Meier (US Patent No. 6,847,620). Applicants respectfully assert that claim 32 as originally presented is not anticipated by Meier. In support of this rejection, the Examiner sets forth that "Meier discloses a VLAN advertisement system for a voice-over-IP network (col. 2, lines 62-64)". Applicants respectfully assert that although Meier does disclose that it "provides a mechanism for prioritizing real-time traffic (i.e., VoIP)" (col. 2, lines 62-64), that is the only reference in the entire patent that discloses anything about voice-over-IP. There is nothing in Meier to indicate any specific implementations of the invention disclosed in Meier to implement Meier in a VoIP network. In particular, nowhere in Meier does it disclose "the first node transmits to the second node a first message sufficient to identify the first node to the second node as an *IP phone*" (claim 32 of the present invention, emphasis added). Additionally, nowhere in Meier does it disclose "the second node transmits to the first node a second message responsive to the first message identifying a VLAN reserved for *voice-over IP communications*" (claim 32 of the present invention, emphasis added). Therefore, Applicants respectfully asserts that neither Meier, nor any of the cited references, whether taken alone or in any reasonable combination teach the invention as presently claimed in claim 32.

Regarding claims 33-36, as these claims depend either directly or indirectly from independent claim 32, and therefore incorporate all the limitations therein, for the reasons set

Serial No.: 10/728,454
Examiner: Lisa Hashem

forth above with respect to claim 32, Applicants respectfully assert that these claims are also patentable over the cited reference.

Regarding the 35-USC 103 rejection:

In the office action, dependent claims 7, 8, 27 and 28 were rejected under 35 USC 103(a) as being unpatentable over Fangman, as applied to claim 3, and further in view of Meier.

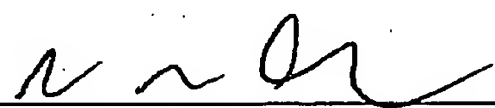
Regarding claims 7 and 8, as these claims depend either directly or indirectly from independent claim 1, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to claim 1, Applicants respectfully assert that these claims are also patentable over the cited reference.

Regarding claims 27 and 28, as these claims depend either directly or indirectly from independent claim 20, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to claim 20, Applicants respectfully assert that these claims are also patentable over the cited reference.

Serial No.: 10/728,454
Examiner: Lisa Hashem

It is believed that the foregoing places the Application in condition for allowance; therefore, Applicants respectfully request withdrawal of the Examiner's rejection of the claims as set forth in the Office Action, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned at 512-306-8533 to expeditiously resolve any outstanding issues.

Respectfully submitted,

By: 
Raymond M. Galasso, Reg. No. 37,832

CORRESPONDENCE ADDRESS:

Alcatel Lucent
Intellectual Property & Standards
3400 W. Plano Parkway, MS/LEGL2
Plano, Texas 75075